UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION

No. 5:12-CR-118-3F

UNITED STATES OF AMERICA)	
)	
v.)	ORDER
)	
JUNIOR FERNANDEZ,)	
Defendant.)	

This matter is before the court on the Defendant's Request for Specific BOP Designation [DE-120]. Fernandez was sentenced on July 1, 2013 and at sentencing, the court neglected to make a recommendation regarding a Bureau of Prisons designation for Fernandez. The court construes Fernandez's motion as a Rule 36 motion to correct the judgment.

Rule 36, Federal Rules of Criminal Procedure provides that "[a]fter giving any notice it considers appropriate, the court may at any time correct a clerical error in a judgment, order, or other part of the record, or correct an error in the record arising from oversight or omission." Pursuant to Rule 36, Fernandez's motion [DE-120] is ALLOWED and the Clerk of Court is DIRECTED to include the phrase "the court recommends placement in FCI Butner" in Fernandez's judgment.

¹ The court reminds counsel that it may only make a recommendation regarding the Bureau of Prisons designation. The Bureau of Prisons, not the court, will ultimately set the place of incarceration.

SO ORDERED.

This the $3\frac{1}{2}$ day of July, 2013.

James C. Fox
Senior United States District Judge